

THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re:  
DIANNE MARIE O'NEILL

Case No.: 21-70010-LAS  
Chapter 7

Debtor(s).  
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**NOTICE OF TELEPHONIC SECTION 341 MEETING WITH INSTRUCTIONS**

**YOU ARE HEREBY NOTIFIED** that the initial section 341 meeting of creditors for the above-captioned case, scheduled as a telephonic meeting and conducted by telephone conference on **February 8, 2021 at 9:00 a.m.** (the "Designated Meeting Time").

All parties shall appear by phone at the section 341 in accordance with the instructions below.

**Call-in Information:**

On the date and time set forth above, parties shall dial-in to the meeting using the following dialing instructions:

Meeting Dial-in No: **877-951-8269** and when prompted enter the Participant Code: **4265411** followed by #.

To avoid confusion or technical difficulties, attendees are instructed to call in at the Designated Meeting Time, not before that time, and to disconnect the call after their meeting is concluded. Thank you for your anticipated cooperation in this regard.

**Instructions for Testifying Debtors and Counsel**


No later than one day prior to the Designated Meeting time, the debtor and/or their counsel are required to email the trustees with an imaged copy of the debtor's photo identification **and** proof of the debtor's social security number ("Identification Documents"). A copy of the Debtor's identification and proof of social security number must be provided to the trustee via a secure method, i.e., portal, encrypted email, etc. Identification Documents shall be those documents deemed acceptable in accordance with current applicable procedures.

Telephonic appearances shall be conducted in accordance with current applicable procedures for telephonic meetings. Accordingly, a Declaration Regarding Administration of Oath and Confirmation of Identity and Social Security Number form shall be completed by the individual performing this function and transmitted to the trustee immediately following the meeting.

Alternatively, if compliance with the procedures set forth above are not possible or practical under these emergent circumstances, the debtor's attorney may submit prior to the time of the scheduled meeting a declaration confirming that: (1) the attorney met with the debtor in-person; and (2) the attorney examined and verified the debtor's original identification documents and social security number. In such situations, upon notification by the debtor and/or their counsel that they are using the alternate procedures, the trustee will administer the oath telephonically at the commencement of the 341 meeting.

Date: January 11, 2021

Chapter 7 Trustee  
/s/Kenneth P. Silverman  
Kenneth P. Silverman, Esq.  
100 Jericho Quadrangle, Suite 300  
Jericho, NY 11753  
(516) 479-6369

	Conducting Telephonic Section 341 Meetings in Relation to the COVID-19 Emergency	Office of the U.S. Trustee
		Region 2 - EDNY
		Issued: March 30, 2020
		Version: 2.0

## STANDARD OPERATING PROCEDURE: CONDUCTING TELEPHONIC SECTION 341 MEETINGS IN RELATION TO THE COVID-19 EMERGENCY

### 1. Purpose

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The purpose of this Standard Operating Procedure (SOP) is to provide clarity and to outline a consistent process to conduct telephonic section 341 meetings. Due to the public health guidance provided by the Center for Disease Control (CDC) for the COVID-19 virus, all in-person chapter 7, 12, and 13 section 341 meetings scheduled through April 10, 2020, have been continued<sup>1</sup> until further notice. This SOP provides guidance on how to conduct telephonic section 341 meetings, in lieu of in-person meetings, during this public health mandate. Mandatory telephonic section 341 meetings will remain in effect until an OUST formal notification is issued, stating in-person meetings may recommence.

These procedures are effective for any section 341 meeting scheduled on or after March 17, 2020. Unless otherwise specified in this SOP, all guidance issued in the handbooks remain effective during this public health mandate.

### 2. Conducting Telephonic 341 Meetings

#### Technology


- The United States Trustee has provided each trustee with one or more conference lines to conduct meetings of creditors. Each conference line has a toll-free number, a leader code, and a participant code. Do not share the leader code outside of your office.
- Trustees must digitally record all telephonic 341 meetings. The United States Trustee has or will provide recorders to each of the trustees to be used to record the meetings.
- Unless prior approval is granted in writing by your AUST, all telephonic 341 meetings shall be conducted by the trustee using the conference line provided to them. To the extent possible, the trustee should bring a cellphone to the meeting so the trustee will have access to an additional phone line to handle all requests for an interpreter consistent with the current procedures applicable to the *Limited English Proficiency Program*.

#### Requirements for Administering the Oath and Verifying Debtors Identification Documents.

- The debtor and/or their counsel are required to provide the trustees with an imaged copy of the debtor's photo identification **and** proof of the debtor's social security number ("Identification Documents"), no later than 1 business day (or 24 hours whichever is greater) in advance of the meeting. The Debtor's identification and proof of social security number must be provided to the trustee via a secure method, i.e., portal, encrypted email, etc. Identification Documents shall be those documents deemed acceptable in accordance with current applicable procedures. Trustees should ensure that their systems delete these documents no later than the date when the case is closed.

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<sup>1</sup>References to "continue" in this SOP have the same meaning as "adjourn."

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- At every telephonic 341 meeting, trustees must verify the identification of the debtor on the record by having the debtor verify the type and number (if applicable) of their photo identification provided in advance of the meeting and the last 4 digits of their social security number.
- Telephonic appearances shall be conducted in accordance with current applicable procedures for telephonic meetings. Accordingly, to administer the oath and verify the debtor's identity and social security number, the debtor's attorney must make arrangements for an independent third party authorized to be present to administer the oath at the alternate location or the debtor's attorney, if authorized to administer oaths, may perform this function. A Declaration Regarding Administration of Oath and Confirmation of Identity and Social Security Number form shall be completed by the individual performing this function and transmitted to the trustee immediately following the meeting (Attachment #1).
- Alternatively, if compliance with the procedures set forth above are not possible or practical under these emergent circumstances, because the debtor is not physically present with the person administering the oath, the debtor's attorney may submit, prior to the time of the scheduled meeting, a declaration confirming that: (1) the attorney met with the debtor in-person; and (2) the attorney examined and verified the debtor's original identification documents and social security number (Attorney Declaration Regarding Confirmation of Debtor Identity and Social Security Number). In such situations, the trustee will administer the oath telephonically at the commencement of the 341 meeting. During this public health mandate, trustees are permitted to remotely administer the oath to debtors at the telephonic 341 meeting (Attachment #2).

#### Notification

- The AUST must be kept apprised regarding scheduling logistics for all telephonic 341 meetings.
- If the original 341 meeting notice stated it would be held in-person, but the meeting will now be held telephonically, then the trustee will file a notice of the date, time, conference line, and participant code for the reset meeting. That notice shall be filed at least 3 business days in advance by posting a notice on the docket. (Attachment # 3). The Clerk for the United States Bankruptcy Court shall [tag] such notices so they are forwarded to the Bankruptcy Noticing Center for service on parties in interest via the Bankruptcy Noticing Center (BNC).
- Until guidance changes, notices for meetings of creditors for newly filed cases shall state that the meeting will be held telephonically. For all newly filed cases, the Trustee must file a notice on the docket, which includes call-in information and the procedures for the meeting (see Attachment # 3 above).
- Due to the current health mandate, trustees are now granted flexibility to continue 341 meetings, even if the notice of the meeting has been issued. However, the trustee must announce the continued date to all parties by entering it on the docket and to advise the United States Trustee.

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### 3. Recordkeeping

All recordkeeping responsibilities for trustees outlined in the applicable *Handbooks*, remain effective.

### 4. Resources

- This SOP and the referenced attachments will be posted on the region's UST website.
  - Region 2 at: <https://www.justice.gov/ust-regions-r02>
- Specific handbook guidance is located at <https://www.justice.gov/ust/private-trustee-handbooks-reference-materials>
- Further questions regarding these procedures and any alterations should be directed to your AUST.

**DECLARATION REGARDING ADMINISTRATION OF OATH AND  
CONFIRMATION OF IDENTITY AND SOCIAL SECURITY NUMBER**

In re: (Case Name) \_\_\_\_\_

Bankruptcy Case No. \_\_\_\_\_

Date of telephonic appearance at § 341(a) meeting of creditors: \_\_\_\_\_

I declare as follows:

1) My name is : \_\_\_\_\_  
(Print or type)

2) My work address is: \_\_\_\_\_

3) My work telephone number is: (\_\_\_\_) \_\_\_\_\_

4) The address from where I participated in the § 341(a) meeting of creditors is:

\_\_\_\_\_

5) I am a person authorized to administer oaths in the State of \_\_\_\_\_, by virtue of the following fact:

\_\_\_\_\_ I am a notary

\_\_\_\_\_ I am a court reporter

\_\_\_\_\_ I am a judicial officer

\_\_\_\_\_ I am authorized to give an oath under the Code of Military Justice

\_\_\_\_\_ Other: \_\_\_\_\_

(Give title and **legal authority** for power to administer oath)

6) I personally verified the identity of the debtor(s) by checking his/her/their original photo identification(s):

\_\_\_\_\_ Driver's License (State & number last four digits) \_\_\_\_\_

\_\_\_\_\_ State Identification (State & number last four digits) \_\_\_\_\_

\_\_\_\_\_ Passport (Country, number, expiration date last four digits) \_\_\_\_\_

\_\_\_\_\_ Military Identification (Branch & ID number last four digits) \_\_\_\_\_

\_\_\_\_\_ Other (describe) \_\_\_\_\_

7) I personally inspected the following original document as proof of the social security number of the debtor(s) and orally confirmed it with the trustee:

\_\_\_\_\_ Social Security Card

\_\_\_\_\_ Social Security Administration Statement

\_\_\_\_\_ W-2 Form

\_\_\_\_\_ Recent Payroll Stub

\_\_\_\_\_ Employer's Health Card or Medical Insurance Card

\_\_\_\_\_ Other (specify) \_\_\_\_\_

8) On \_\_\_\_\_, I did administer an oath to the debtor(s), prior to the trustee commencing  
(Date)  
the questioning of the debtor(s) for the telephonic meeting of creditors of the debtor(s).

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: \_\_\_\_\_ Signature: \_\_\_\_\_

**ATTORNEY DECLARATION REGARDING CONFIRMATION OF  
DEBTOR IDENTITY AND SOCIAL SECURITY NUMBER**

*(For use at telephonic 341 meeting of creditors)*

In re: \_\_\_\_\_ Bankruptcy Case No. \_\_\_\_\_

Date of telephonic appearance at § 341(a) meeting of creditors: \_\_\_\_\_

I swear as follows:

1) My name is: \_\_\_\_\_  
(Print or type)

2) My address is: \_\_\_\_\_  
\_\_\_\_\_

3) The photo identification I have been provided to prove the above debtor's identity is as follows:

(Please complete blanks AND attach copies)

\_\_\_\_ Drivers License (*State & number last 4 digits*) \_\_\_\_\_  
\_\_\_\_ State Identification (*State & number last 4 digits*) \_\_\_\_\_  
\_\_\_\_ Passport (*County, number last 4 digits, Expiration Date*) \_\_\_\_\_  
\_\_\_\_ Military Identification (*Branch & ID number last 4 digits*) \_\_\_\_\_  
\_\_\_\_ Legal residence alien card (*number last 4 digits*) \_\_\_\_\_  
\_\_\_\_ Other (*Describe, attach copy*) \_\_\_\_\_

4) The last four digits of the debtor's social security number are: \_\_\_\_ \_\_\_\_ \_\_\_\_ \_\_\_\_

5) The proof of social security number I reviewed is as follows:

(Please attach a copy if available)

\_\_\_\_ Social Security Card  
\_\_\_\_ W2 Form  
\_\_\_\_ Recent payroll earnings statement  
\_\_\_\_ Employers health card  
\_\_\_\_ Other (*document which shows name and social security number*)

**In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.**

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Signature

*(Please return this form to the Chapter 7 or Chapter 13 Trustee assigned in this case.)*